

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

MARK T. FEUERSTRAETER, ET AL.

Application No.: 10/037,669

Filed: January 3, 2002

For: **A METHOD AND APPARATUS FOR  
PRIORITY BASED FLOW CONTROL IN  
AN ETHERNET ARCHITECTURE**

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JUN 10 2003

Technology Center 2100

Art Group: 2183

Examiner: Not Assigned

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure, enclosed is a copy of Information Disclosure Statement by Applicant (form PTO/SB/08), which is being submitted before the mailing of a first Office Action. It is respectfully requested that the cited references be considered and that the enclosed copy of PTO/SB/08 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s). Copies of the references cited on PTO/SB/08 are enclosed herewith.

It is hereby stated that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual associated with the filing or prosecution of the subject application more than three months prior to the filing of the Information Disclosure Statement.

The references were cited in a Search Report dated April 30, 2003 (copy enclosed herewith) from a foreign patent office in a counterpart PCT application, which was forwarded to Applicant's Representative in a communication dated May 9, 2003.

The submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made in the subject application and is not to be construed as an admission that the information cited in this statement is material to patentability.

Please charge any fees due to Deposit Account 02-2666. A duplicate copy of the Fee Transmittal (PTO/SB/17) is enclosed for this purpose.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

  
\_\_\_\_\_  
Paul A. Mendonsa, Reg. No. 42,879

Date: June 03, 2003

12400 Wilshire Blvd., 7th Floor  
Los Angeles, California 90025  
(503) 684-6200

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Deborah L. Higham

06-03-03

Date



#2  
2183  
6-26-03

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |                        |
|--|------------------------|
| Application No.                          | 10/037,669             |
| Filing Date                              | January 3, 2002        |
| First Named Inventor                     | Mark T. Feuerstraeter  |
| Group Art Unit                           | 2183                   |
| Examiner Name                            | Not Assigned           |
| Total Number of Pages in This Submission | 42390P11856            |
| Attorney Docket Number                   | Technology Center 2100 |

Total Number of Pages in This Submission

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| ENCLOSURES (check all that apply)   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input checked="" type="checkbox"/> PTO/SB/08<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Basic Filing Fee<br><input type="checkbox"/> Declaration/POA<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> <li>- 5 Cited References</li> <li>- Copy of PCT Search Report</li> <li>- Return Receipt Postcard</li> </ul> |
| Remarks   |   |  |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

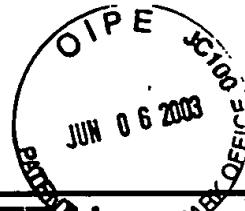
|                         |   |
|-------------------------|---|
| Firm or Individual name | Paul A. Mendonsa, Reg. No. 42,879<br><br>BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature               |   |
| Date                    | June 3, 2003  |

### CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

|                       |                   |      |              |
|-----------------------|-------------------|------|--------------|
| Typed or printed name | Deborah L. Higham |      |              |
| Signature             |                   | Date | June 3, 2003 |

Based on PTO/SB/21 (05-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 05/02/2003.  
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# FEETRANSMITTAL

## for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

Complete if Known

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 10/037,669            |
| Filing Date          | January 3, 2002       |
| First Named Inventor | Mark T. Feuerstraeter |
| Examiner Name        | Not Assigned          |
| Group/Art Unit       | 2183                  |
| Attorney Docket No.  | 42390P11856           |

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### METHOD OF PAYMENT (check one)

Check     Credit card     Money Order     Other     None  
 Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below     Credit any overpayments  
 Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

### FEE CALCULATION

#### 1. BASIC FILING FEE

| Large Entity        | Small Entity  | Fee Description        | Fee Paid |
|---------------------|---------------|------------------------|----------|
| Fee Code (\$)       | Fee Code (\$) |                        |          |
| 1001 750            | 2001 375      | Utility filing fee     |          |
| 1002 330            | 2002 165      | Design filing fee      |          |
| 1003 520            | 2003 260      | Plant filing fee       |          |
| 1004 750            | 2004 375      | Reissue filing fee     |          |
| 1005 160            | 2005 80       | Provisional filing fee |          |
| <b>SUBTOTAL (1)</b> |               | <b>(\$)</b>            |          |

#### 2. EXTRA CLAIM FEES

| Total Claims | Independent Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------|----------------|----------|
| 30           | 30*                | = 0          | X 18.00 =      | \$0.00   |
| 4            | 4*                 | = 0          | X 84.00 =      | \$0.00   |
|              |                    |              |                |          |

| Large Entity        | Small Entity  | Fee Description   |  |             |
|---------------------|---------------|---|--|-------------|
| Fee Code (\$)       | Fee Code (\$) |   |  |             |
| 1202 18             | 2202 9        | Claims in excess of 20                                    |  |             |
| 1201 84             | 2201 42       | Independent claims in excess of 3                         |  |             |
| 1203 280            | 2203 140      | Multiple Dependent claim, if not paid                     |  |             |
| 1204 84             | 2204 42       | **Reissue independent claims over original patent         |  |             |
| 1205 18             | 2205 9        | **Reissue claims in excess of 20 and over original patent |  |             |
| <b>SUBTOTAL (2)</b> |               | <b>(\$)</b>   |  | <b>0.00</b> |

\*or number previously paid, if greater. For Reissues, see below

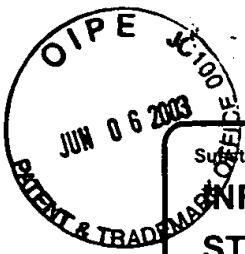
### 3. ADDITIONAL FEES

| Large Entity                      | Small Entity  | Fee Description  | Fee Paid |
|-----------------------------------|---------------|--|----------|
| Fee Code (\$)                     | Fee Code (\$) |  |          |
| 1051 130                          | 2051 65       | Surcharge - late filing fee or oath  |          |
| 1052 50                           | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 2053 130                          | 2053 130      | Non-English specification  |          |
| 1812 2,520                        | 1812 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804 920*                         | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*                       | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110                          | 2251 55       | Extension for reply within first month                                     |          |
| 1252 410                          | 2252 205      | Extension for reply within second month                                    |          |
| 1253 930                          | 2253 465      | Extension for reply within third month                                     |          |
| 1254 1,450                        | 2254 725      | Extension for reply within fourth month                                    |          |
| 1255 1,970                        | 2255 985      | Extension for reply within fifth month                                     |          |
| 1404 320                          | 2401 160      | Notice of Appeal   |          |
| 1402 320                          | 2402 160      | Filing a brief in support of an appeal                                     |          |
| 1403 280                          | 2403 140      | Request for oral hearing   |          |
| 1451 1,510                        | 2451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 110                          | 2452 55       | Petition to revive - unavoidable   |          |
| 1453 1,300                        | 2453 650      | Petition to revive - unintentional   |          |
| 1501 1,300                        | 2501 650      | Utility issue fee (or reissue)   |          |
| 1502 470                          | 2502 235      | Design issue fee   |          |
| 1503 630                          | 2503 315      | Plant issue fee  |          |
| 1460 130                          | 2460 130      | Petitions to the Commissioner  |          |
| 1807 50                           | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180                          | 1806 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021 40                           | 8021 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809 750                          | 1809 375      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810 750                          | 2810 375      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801 750                          | 2801 375      | Request for Continued Examination (RCE)                                    |          |
| 1802 900                          | 1802 900      | Request for expedited examination of a design application                  |          |
| Other fee (specify)               |               |  |          |
| *Reduced by Basic Filing Fee Paid |               |  |          |
| <b>SUBTOTAL (3)</b>               |               | <b>(\$)</b>  |          |

### SUBMITTED BY

Complete (if applicable)

|                   |                  |                                   |          |           |                |
|-------------------|------------------|-----------------------------------|----------|-----------|----------------|
| Name (Print/Type) | Paul A. Mendonsa | Registration No. (Attorney/Agent) | 42,879   | Telephone | (503) 684-6200 |
| Signature         |                  | Date                              | 06/03/03 |           |                |



|  |   |                          |                       |
|--|---|--------------------------|-----------------------|
| Substitute for form 1449A/PTO  |   | <i>Complete if Known</i> |                       |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(use as many sheets as necessary)</i> |   |                          |                       |
| Sheet  | 1 | of                       | 2                     |
|  |   | Application Number       | 10/037,669            |
|  |   | Filing Date              | January 3, 2002       |
|  |   | First Named Inventor     | Mark T. Feuerstraeter |
|  |   | Art Unit                 | 2183                  |
|  |   | Examiner Name            | Not Assigned          |
|  |   | Attorney Docket Number   | 42390P11856           |

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(use as many sheets as necessary)*

Sheet

1

of

2

**Complete if Known**

**Application Number** | 10/037,669

**Filing Date** January 3, 2002

**First Named Inventor** | **Mark T. Feuerstraeter**

**Art Unit** 2183

**Examiner Name** Not Assigned

Attorney Docket Number 42300R11856

U.S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

*\*Applicant's unique citation designation number (optional). \*See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. \*Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). \*For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. \*Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. \*Applicant is to place a check mark here if English language Translation is attached.*

Based on RTO/SP/02A (05-03) as modified by Blakely, Salokoff, Taylor & Zafman (wtr) 05/02/2003

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|  |   |    |   |  |
|--|---|----|---|--|
| INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT |   |    |   | Complete if Known                            |
| Sheet  | 2 | of | 2 |  |
|  |   |    |   | Application Number   10/037,669              |
|  |   |    |   | Filing Date   January 3, 2002                |
|  |   |    |   | First Named Inventor   Mark T. Feuerstraeter |
|  |   |    |   | Art Unit   2183                              |
|  |   |    |   | Examiner Name   Not Assigned                 |
|  |   |    |   | Attorney Docket Number   42390P11856         |

#### **OTHER ART - NON PATENT LITERATURE DOCUMENTS**

|                       |                    |
|-----------------------|--------------------|
| Examiner<br>Signature | Date<br>Considered |
|-----------------------|--------------------|

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

*\*Applicant's unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.*

Based on PTO/SB/08B (05-03) as modified by Blakely, Solokoff, Taylor & Zafman (wlr) 05/02/2003.  
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